REMARKS

Claims 10-11, 14-18 and 20 are pending in the present application. Claims 10-11, 14, 15 and 18 were amended in this response. Claims 12 and 19 were canceled, without prejudice. No new matter was introduced as a result of the amendments.

Claims 10, 11, 12, 14 and 18 were objected to for informalities. In light of the present amendments, Applicant submits that the objectionable matter has been addressed. Withdrawal of the objection is earnestly requested.

Claim 10, 11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eroz et al.* (US Patent 6,370,669) in view of *Lee et al.* (US Patent 6,289,486). Claims 12 and 14-17 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eroz et al.* (US Patent 6,370,669) in view of *Lee et al.* (US Patent 6,289,486) and further in view of 3GPP (3GPP TS 25.212 "UMTS: Multiplexing and Channel Coding," Version 3.5.0, ETSI, 1999).

Previously, claims 12-17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Accordingly Applicant amended claim 10 to incorporate the allowable matter identified in claim 13. Claim 20 was introduced to incorporate the allowable matter identified in claim 16.

In the Office Action mailed April 20, 2006, the allowability of claims 12-17 was apparently withdrawn in light of the 3GPP document, referenced above. However, as Applicant will argue below, the document 3GPP TS 25.212, titled "UMTS: Multiplexing and Channel Coding," Version 3.5.0 is not prior art to the present application.

The present application claims priority to PCT/EP00/02440, filed on March 20, 2000, which in turn claims priority to EPO patent 99105680.5, filed on March 19, 1999. To the best of Applicant's knowledge, the subject matter contained in the 3GPP document was not published prior to the EPO priority date. For the convenience of the Examiner, Applicant is attaching hereto a publication record obtained from the 3GPP standard database, attached as **Exhibit A**. As the Examiner may be aware, the 3rd Generation Partnership Project (3GPP) is a collaboration agreement among various standardization groups to make a globally applicable third generation (3G) mobile phone system specification within the scope of the ITU's IMT-2000 project. 3GPP specifications are based on evolved GSM specifications, now generally known as the UMTS system. 3GPP standards are structured as "Releases," and the cited document indicates "version

3.5.0 Release 1999." "Release 1999" refers to the year in which the first version of the revised standard (i.e., 1.0.0) was established - it does <u>not</u> mean that <u>subsequent</u> versions (i.e. 3.5.0) that contained new matter were published at the same time, or even in the same year.

As already mentioned, the present case references "Release 1999" in the title, which the Office Action apparently interpreted as a 1999 publication date. However, after a closer review of the relevant document and surrounding circumstances, the evidence indicates that the publication date was on December 2000. The top right-hand corner of the cover page has the designation "(2000-12)," while the inside cover (page 2) has a copyright notice of 2000 (see Exhibit A). This evidence alone strongly suggests that the publication occurred after 1999. Furthermore, after obtaining the Release revision history from the 3GGP organization, the history clearly shows that the "Release 1999" publication of v3.5.0 did not occur until December, 2000, which substantiates the "(2000-12)" heading in the cover page.

Moreover, even if one would back-trace the history of Release 1999 to it's original version (1.0.0), the publication date of April 23, 1999 is still subsequent to the filing date of the EPO priority document. As such, the document 3GPP TS 25.212, titled "UMTS: Multiplexing and Channel Coding," Version 3.5.0 is not prior art to the present application.

In light of this, the rejections to claims 12 and 14-17 and 19-20 cannot stand and should be withdrawn. Accordingly, independent claims 10 and 18 were amended to incorporate the subject matter of claim 12. Independent claim 20, which was previously amended to introduced to incorporate the subject matter claim 16 stands allowable in its present form.

In light of the above, the Applicants respectfully submit that the present application is in condition for allowance and request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-283) on the account statement.
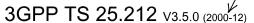
Respectfully submitted,

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Dated: July 20, 2006_____

EXHIBIT "A"

• 3GPP Front and Inside Cover (2 pages)

• 3GPP TS 25.212 Version 3.5.0 Release 1999 Revision History (1 page)

3GPP TS 25.212 V3.5.0 (2000-12)

Technical Specification

3rd Generation Partnership Project;
Technical Specification Group Radio Access Network;
Multiplexing and channel coding (FDD)
(Release 1999)

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3GPP TS 25.212 (click spec number to see fileserver directory for this spec)

Multiplexing and channel coding (FDD)

TSG / WG responsible: **R1** (click TSG/WG to see its home page)

Rapporteur: **MICHEL, Jürgen**

Specification required for: UTRAN-based systems

Release	Freeze meeting	Freeze date	remarks		SDO publications
R99	SP-05	1999-10-13	.		ETSI
	event	version	available	remarks	click ref to download
	Table of Contents and Scope	0.0.0	1999-02-04		-
RP-03	RP-03	1.0.0	1999-04-23		-
	RP-04	2.0.0	1999-06-23		-
	RP-05	3.0.0	1999-10-13		-
	RP-06	3.1.0	1999-12-12		-
	Change history added	3.1.1	200-01-15		DTS/TSGR-0125212U
	RP-07	3.2.0	2000-03-15		RTS/TSGR-0125212UR1
	RP-08	3.3.0	2000-06-23		RTS/TSGR-0125212UR2
	RP-09	3.4.0	2000-10-18		RTS/TSGR-0125212UR3
RP-10	RP-10	3.5.0	2000-12-22		RTS/TSGR-0125212UR4
	RP-12	3.6.0	2001-06-28		RTS/TSGR-0125212UR5
	RP-13	3.7.0	2001-10-08		RTS/TSGR-0125212UR6
	RP-14	3.8.0	2002-01-09		RTS/TSGR-0125212UR7
	RP-15	3.9.0	2002-03-29		RTS/TSGR-0125212UR8
	RP-16	3.10.0	2002-06-28		RTS/TSGR-0125212v3a0
	RP-17	3.11.0	2002-09-27		RTS/TSGR-0125212v3b0